



## INTERIOR BOARD OF INDIAN APPEALS

Chuck and Jennifer Jacobs v. Great Plains Regional Director, Bureau of Indian Affairs

43 IBIA 272 (09/29/2006)

Denying reconsideration of:  
43 IBIA 249



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

CHUCK and JENNIFER JACOBS,	:	Order Denying Reconsideration
Appellants,	:	
	:	
v.	:	
	:	Docket No. IBIA 05-9-A
GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	September 29, 2006

Chuck and Jennifer Jacobs (Appellants) filed a timely petition for reconsideration of the decision in this case issued by the Board of Indian Appeals on August 23, 2006. 43 IBIA 249. In that decision, the Board dismissed for lack of standing Appellants' challenge to a September 3, 2004 decision of the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA). Appellants sought to challenge BIA's approval of an assignment by the Estate of Charles H. Merrill, III, to Mr. Chancy Wilson, of the grazing permit for Range Unit #510 on the Pine Ridge Reservation in South Dakota.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315. Appellants' petition for reconsideration reargues their appeal on the merits, and articulates Appellants' disagreement with the Board's decision, but identifies no facts or arguments that were not previously considered by the Board in deciding to dismiss their appeal. For example, Appellants' argument that allocation of grazing privileges is synonymous with issuance of a grazing permit, and that relinquishment of a grazing privilege to a tribal committee automatically terminates a related grazing permit issued by BIA — was fully considered by the Board, but rejected. See 43 IBIA at 256. In addition, Appellants repeat their arguments on the merits that BIA's action was inconsistent with tribal law, and that the grazing permit held by the Estate should have been cancelled for violation of the permit, but fail to identify any fact or argument that the Board overlooked in concluding that Appellants lack standing to assert those claims in the context of seeking to challenge a BIA decision approving an assignment.

Upon review of Appellants' petition for reconsideration, the Board concludes that it does not demonstrate extraordinary circumstances justifying reconsideration. See Lira v.

Acting Pacific Regional Director, 38 IBIA 107 (2002) (extraordinary circumstances not present when party seeking reconsideration repeats the same arguments made and considered earlier); Yeahquo v. Southern Plains Regional Director, 36 IBIA 59 (2001) (same).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board denies the petition for reconsideration.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Charles E. Breece  
Acting Administrative Judge